

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANK MAKI,

Plaintiff,

v.

No. 3:14-cv-08
(TJM/DEP)

THE TRAVELERS COMPANIES,

Defendant.

THOMAS J. McAVOY

Senior United States District Judge

DECISION and ORDER

This *pro se* action was referred to the Hon. David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c). In his Report, Recommendation and Order (dkt. # 4), Magistrate Judge Peebles ordered that Plaintiff's *in forma pauperis* application (dkt. # 2) be granted and recommended, *inter alia*, that the Complaint (dkt. # 1) be dismissed with leave to amend.

Plaintiff filed no objections to the Report, Recommendation and Order but has filed an Amended Complaint (dkt. # 6). Accordingly, the Court **ADOPTS** the Report, Recommendation and Order for the reasons stated therein. The Complaint (dkt. # 1) is **DISMISSED** and **SUPERSEDED** in all respects by the Amended Complaint. The Court offers opinion as to the legal viability of the claims put forth in the Amended Complaint.

IT IS SO ORDERED.

Dated: December 19, 2014

A handwritten signature in black ink, reading "Thomas J. McAvoy". The signature is written in a cursive, flowing style with a large initial "T" and a long, sweeping underline.